## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| AUDI OF AMERICA, INC.,<br>An Organizational Unit of Volkswagen Group<br>of America, Inc.,<br>A New Jersey Corporation, | )<br>)<br>)              |
|--|--------------------------|
| Plaintiff,   | ) Case No. 3:16-cv-02470 |
| v.   | ) Hon. John E. Jones III |
| BRONSBERG & HUGHES PONTIAC, INC. d/b/a WYOMING VALLEY AUDI, A Pennsylvania Corporation,                                |                          |
| Defendant.   | ,<br>)                   |

## DECLARATION OF BRANDON C. PROSANSKY IN SUPPORT OF VOLKSWAGEN GROUP OF AMERICA, INC.'S RESPONSE IN OPPOSITION TO THE MOTION TO INTERVENE, TO QUASH THIRD-PARTY SUBPOENAS, AND TO DISSOLVE PRELIMINARY INJUNCTION

Brandon C. Prosansky hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at Barack Ferrazzano Kirschbaum and Nagelberg LLP. I am an attorney who represents Audi of America, Inc. ("AoA"), an organizational unit of Volkswagen Group of America, Inc. I submit this Declaration in support of Volkswagen Group Of America, Inc.'s Response Brief in Opposition to the Motion to Intervene, to Quash Third-Party Subpoenas, and to Dissolve Preliminary Injunction.

- 2. I have personal knowledge of the following and if called to testify as a witness, I could and would so testify.
- 3. Attached hereto as **Exhibit 1** is a true and correct copy of an email from Ed Napleton to Mark McNabb.
- 4. Attached hereto as <u>Exhibit 2</u> is a true and correct copy of Hagen Berman's Press Release, "VW Dealers Sue Volkswagen for Dieselgate Fallout, Illegal Pricing Scheme."
- 5. Attached hereto as <u>Exhibit 3</u> is a true and correct copy of a letter sent by Steve W. Berman to Volkswagen Dealers on May 6, 2016.
- 6. Attached hereto as <u>Exhibits 4–11</u> are true and correct copies of documents produced by BMW of North America ("BMW"). These documents were designated confidential by BMW, and therefore are being filed under seal pursuant to the Stipulated Protective Order entered in this case at Docket Number 51.
  - a. Exhibit 4 is an email chain dated September 29, 2016, and Bates labeled BMWNA 00002–3.
  - b. Exhibit 5 is an email, dated October 19, 2016, and Bates labeled BMWNA 00103.
  - c. Exhibit 6 is an email chain and Bates labeled BMWNA 00355–358.
  - d. Exhibit 7 is an email and letter dated January 3, 2017, and Bates labeled BMWNA 01257–1259.
  - e. Exhibit 8 is an email and letter dated January 13, 2017, and Bates labeled BMWNA 01260–1277.

- f. Exhibit 9 is a letter dated January 24, 2017, and Bates labeled BMWNA 00425–426.
- g. Exhibit 10 is an email chain dated January 25, 2017, and Bates labeled BMWNA 00427–428.
- h. Exhibit 11 is a letter dated December 20, 2016, and Bates labeled BMWNA 00417–418.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2017

Brandon C. Prosanksy